

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: HEARTLAND PAYMENT	§	4:09-MD-02046
SYSTEMS, INC. CUSTOMER DATA	§	
SECURITY BREACH LITIGATION	§	MDL NO. 2046
	§	
	§	
	§	
THIS DOCUMENT RELATES TO:	§	HON. LEE H. ROSENTHAL
FINANCIAL INSTITUTION TRACK	§	CLASS ACTION
ACTIONS	§	JURY TRIAL DEMANDED
	§	
	§	

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**[PROPOSED] ORDER GRANTING THE FINANCIAL INSTITUTION  
PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE OF COURT TO FILE A  
SUR-REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF  
PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANT'S MOTION TO DISMISS**

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WHEREAS, upon consideration of the motion filed by the Financial Institution Plaintiffs seeking leave of Court to file a Sur-Rely Memorandum of Law in Further Support of Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion to Dismiss, and there being no opposition to this request by Defendant Heartland Payment Systems, Inc., it is, this

23rd day of December 2009, ORDERED as follows:

1. The Financial Institution Plaintiffs' motion seeking leave of Court to file a Sur-Reply is GRANTED;

2. The Financial Institution Plaintiffs shall file their Sur-Reply on or before January 15, 2010;
3. The Financial Institution Plaintiffs' Sur-Reply shall not exceed 15 pages in length;
4. Heartland shall be permitted to file a response to Plaintiffs' Sur-Reply; and
5. Any response filed by Heartland to Plaintiffs' Sur-Reply shall not exceed 10 pages in length, and shall be filed no later than February 1, 2010.

IT IS SO ORDERED.



Lee H. Rosenthal  
Honorable Lee H. Rosenthal  
United States District Judge